

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-16 and 18-36 are pending in the application, with 1, 15, 30, and 34-36 being the independent claims. Claims 1-16 and 18-33 are sought to be amended to clarify the claimed subject matter. Claim 17 is sought to be cancelled without disclaimer or prejudice to the subject matter therein. New claims 34-36 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejection under 35 U.S.C. § 101

On page 2 of the Office Action, the Examiner rejected claims 30-33 under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

Although Applicant believes the claims represent patentable subject matter as currently pending in the application, Applicant has amended claim 30 to be directed towards a *tangible* data storage device. In 1995, the Commissioner of Patents and Trademarks conceded to the U.S. Court of Appeals for the Federal Circuit “that computer programs embodied in a tangible medium, such as floppy diskettes, are patentable subject matter under 35 U.S.C. § 101.” See *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995). Amended claim 30 falls within what the Commissioner of Patents and

Trademarks had conceded was patentable subject matter. Dependent claims 31-33 depend from claim 30 and should similarly be found allowable. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 30-33 and find them allowable.

Rejection under 35 U.S.C. § 102

The Examiner has rejected claims 1, 4, 15, and 30 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0156726 A1 to Kleckner et al. (“Kleckner”). For the reasons set forth below, Applicant respectfully submits that Kleckner does not anticipate claims 1, 4, 15, and 30. Accordingly, Applicant respectfully traverses.

Amended independent claim 1 recites, *inter alia*, the step of “identifying a plurality of approvers to approve or disapprove of the requested security change by accessing an approver set in an approval manager module.” Kleckner discloses dual signature policies, whereby a first security officer “create[s] a new policy” which is then examined by a second security officer, signed, and stored in a database, “which causes the new policy to come into force.” (Kleckner at [0131]). Kleckner nowhere discloses the use of an approval manager module to identify approvers in an approver set, instead stating that a first security officer “must then get a second security officer to agree to sign the rule set,” thereby requiring that the first security officer manually seek out the approvers. (Kleckner at [0132]). Accordingly, it cannot be the case that Kleckner discloses the use of an “approval manager module” or an “approver set” as recited in

independent claim 1. Since Kleckner does not teach or suggest each and every feature of independent claim 1, Applicant respectfully requests that the rejection be withdrawn.

Claim 4 is also not anticipated by Kleckner for similar reasons as independent claim 1 from which it depends, and further in view of its own features. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

Independent claims 15 and 30 have been rejected as allegedly being anticipated by Kleckner on similar grounds as independent claim 1. Independent claims 15 and 30 similarly recite an “approval manager module” and an “approver set,” and are therefore not anticipated by Kleckner for at least the same reasons stated above with regard to independent claim 1, and further in view of their own respective features. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

Rejection under 35 U.S.C. § 103

The Examiner has rejected claims 2, 3, 5-14, 16-29, and 31-33 under 35 U.S.C. § 103(a) as allegedly being obvious over Kleckner in view of U.S. Patent No. 7,131,071 to Gune et al. (“Gune”). Applicant respectfully traverses this rejection.

As discussed above with respect to independent claim 1, Kleckner fails to teach or suggest the use of an “approval manager module” and an “approver set,” as recited in independent claim 1. The Gune reference also fails to teach or suggest these absent features, and thus does not cure the deficiencies of Kleckner. Accordingly, Kleckner and Gune, either alone or in combination, do not teach or suggest each and every feature of independent claim 1, and thus cannot be used to establish a *prima facie* case of obviousness. Claims 2, 3, and 1-14 depend from independent claim 1, and are therefore

not rendered obvious by Kleckner and Gune for at least the same reasons as independent claim 1, and further in view of their own respective features. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

Independent claims 15 and 30 are also not rendered obvious by Kleckner and Gune for similar reasons as independent claim 1. Claims 16-29 depend from independent claim 15, and claims 31-33 depend from independent claim 30, and are also not rendered obvious by Kleckner and Gune for at least the same reasons as independent claims 15 and 30, and further in view of their own respective features. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

New Claims

Applicant seeks to add new independent claims 34-36. Each claim recites, *inter alia*, the step of “determining whether the requested security change is authorized,” which is not taught or suggested by Kleckner and Gune, either alone or in combination. Applicant believes claims 34-36 are therefore in condition for allowance, and respectfully requests that the claims be entered and allowed.

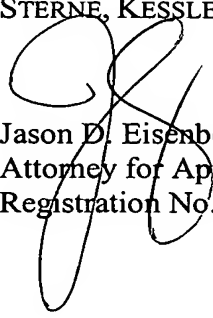
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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